

---

---

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

---

---

UNITED STATES OF AMERICA : Hon. Douglas E. Arpert  
v. : Mag. No. 20-14031 (DEA)  
MALLIE M. EVANS and : **RULE 5.1(D) ORDER**  
ELIZABETH SANCHEZ : **EXTENDING TIME**

This matter having been opened to the Court on the motion of the United States, by Philip R. Sellinger, United States Attorney for the District of New Jersey (Alexander E. Ramey, Assistant United States Attorney, appearing), pursuant to Rule 5.1(d), for an extension of the time limits set forth in Rule 5.1(c) for the holding of a preliminary hearing; it appearing that, on June 27, 2023, the defendant, Mallie M. Evans, came before a Magistrate Judge in the Central District of California for a Rule 5 out-of-district initial appearance on the Criminal Complaint in the above-captioned matter; it appearing that the defendant, appearing *pro se*, invoked his right to a preliminary hearing and elected under Rule 5.1(b) to have the hearing conducted in this District, where his prosecution is pending; it appearing that the Middle District of California granted the defendant's request and ordered the defendant detained and transferred to the District of New Jersey forthwith; it appearing that the United States Marshals Service has advised the government that it may take approximately 30 days for the defendant to be transferred cross-country; it

further appearing that the defendant also requested an opportunity to reconsider his waiver of the right to counsel once transferred to the District of New Jersey; the Court having considered the submission of the government, and for good cause shown:

THE COURT FINDS:

1. The defendant has invoked his right to a preliminary hearing, which ordinarily must be held within 14 days after his initial appearance, pursuant to Fed. R. Crim. P. 5.1(c), because the defendant is in custody on the pending charges;
2. The defendant has invoked his right to elect to have his initial appearance in the District of New Jersey, pursuant to Fed. R. Crim. P. 5.1(b); and
3. Good cause and extraordinary circumstances exist to extend the time limit of Rule 5.1(c), pursuant to Fed. R. Crim. P. 5.1(d), including:
  - a. The defendant's election to exercise his right to a preliminary hearing in the District of New Jersey, rather than the district of arrest in the Central District of California, and the necessity of transporting the defendant cross-country;
  - b. The inability of the United States Marshals Service to produce the defendant in the District of New Jersey within the original time period of Rule 5.1(c); and
  - c. The need to provide the defendant with a reasonable period after


his arrival in the District of New Jersey to consult with the Public Defender as to whether he wishes to invoke or waive his right to counsel.

IT IS, therefore, on this 30th day of June, 2023,

ORDERED, pursuant to Fed. R. Crim. P. 5.1(d), that the time period within which a preliminary hearing must be conducted under Rule 5.1(c) is hereby extended to fourteen (14) days after the defendant's initial appearance in this District; and it is further

ORDERED, that the United States Marshals Service shall inform the Court and the United States upon the defendant's arrival in the District of New Jersey; and it is further

ORDERED, that the defendant shall have a reasonable opportunity to consult with the Public Defender concerning his waiver of the right to counsel prior to any preliminary hearing before the Court.

  
\_\_\_\_\_  
HONORABLE DOUGLAS E. ARPERT  
UNITED STATES MAGISTRATE JUDGE